

Application No.: 10/578,163
Filing Date: February 15, 2007

REMARKS

Claims 5-8, 10, 15-19 have been cancelled. Claims 9 and 22 have been amended. Claim 9 has been amended to correct antecedent basis. Claim 22 has been amended to correct a typographical error. The amendments are fully supported by the specification. No new matter has been added. Claims 1-4, 9, 11-14, and 20-23 are pending and are submitted for further consideration in view of the following remarks.

Claim rejections

Claims 9 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 9 was rejected for lack of antecedent basis for "the second hair bundle[.]" Claim 9 has been amended to recite "a second hair bundle[.]" Claim 22 was rejected for reciting a distance of about "203" cm. Claim 22 has been amended to recite "2 – 3" cm. In view of the amendments, Applicant respectfully submits that the pending claims satisfy the requirements of section 112. Applicant respectfully requests that the Examiner withdraw the rejections of Claims 9 and 22 under that section.

Claims 1-18 and 20-23 were rejected under sections 102 and 103 as being unpatentable in view of one or more of three cited references. These references are Song (U.S. Patent Publication No. 2005/0061346), Bernard (U.S. Patent No. 7,469,701), and Lane (U.S. Patent Publication No. 2005/0268928). Applicant respectfully submits that none of the cited references may properly be considered prior art to the pending claims. The present application claims priority to a PCT application PCT/NL2004/000786, filed November 8, 2004. The PCT application claims priority to Netherlands application NL1024734, filed November 7, 2003. Applicant respectfully submits that the effective prior art date of each of the cited references is later than November 7, 2003. In particular, the effective prior art date of Song is July 2, 2004. While Song claims a foreign priority that precedes the claimed priority of the present application, the foreign priority date of Song does not act as its effective prior art date. M.P.E.P. § 2136.03. The effective prior art date of Bernard is February 3, 2006. The effective date of Lane is June 4, 2004. Thus Applicant respectfully submits that the effective date of each of the cited references is later in time than the Netherlands priority date of November 7, 2003.

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In addition, Applicant respectfully submits that the pending claims are entitled to the benefit of the filing date of the Netherlands application. Applicant provides herewith a translation of the Netherlands application and a certification of the correctness of the translation. Each of the pending claims is supported by the originally filed Netherlands application. For Example, Claims 1 and 13 are supported by at least Figure 2 and the description at page 2, line 26 – page 3, line 4. Claim 2 is supported by Figure 2 and the description at page 6, lines 20-30. Claim 3 is supported by Figure 2 and the description at page 6, lines 20-30. Claims 4, 9, 11, and 12 are supported by Figure 10 and the description at page 8, lines 1-16. Claim 14 is supported by Figure 12. Claim 20 is supported by the description at page 5, lines 5-20. Claim 21 is supported by Figure 8 and the description at page 7, lines 1-26. Claim 22 is supported in the description at page 4, lines 10-13. Claim 23 is supported in the description at page 1, lines 5-14.

As each of the pending claims is supported by the priority document having a priority date that precedes the effective reference date of the cited references, Applicant respectfully requests that the Examiner withdraw the rejections of the pending claims.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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